

LAW OFFICES  
**ROBERT J. KELLER, P.C.**  
P.O. Box 33428 – Farragut Station  
Washington, D.C. 20033-0428

Tel: 202.223.2100 ext. 109  
Fax: 202.223-2121  
Email: rjk@telcomlaw.com

Of Counsel to:  
Shainis & Peltzman, Chartered  
1850 M Street, N.W. – Suite 240  
Washington, D.C. 20036-5803

January 17, 2006

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc., Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

**RECEIVED**

JAN 17 2006

Federal Communications Commission  
Office of Secretary

Attn: Roger Noel, Chief  
Mobility Division

In re: James A. Kay, Jr.

SMR Stations WNIZ676, WNJA910, WNJL306, WNKV762, WNMT755,  
WNMY402, WNMY773, WNPJ874, WNSK552, WNVL794, WNVW779,  
WNWB268, WNWB332, WNWK982, WNNW703, WNWQ651, WNXB280,  
WNXG372, WNXQ353, WNXQ911, WNXS450, WNXS753, WNXW280,  
WNXW327, WNXW549, WNYQ437, WNYR747, WNZY505, WNZZ731,  
WPAP683, WPAZ639, WPBW517, and WPBZ518

Dear Ms Dortch:

Tendered herewith, on behalf of James A. Kay, Jr., is an application for further continuation of operating authority under the above-referenced wireless authorizations. I am filing an original plus one copy for each listed call sign. This filing contains a facsimile of the applicant's signature. The original will be submitted upon receipt by undersigned counsel.

Kindly direct any questions or correspondence concerning this matter to the undersigned.

Very truly yours,



Robert J. Keller  
Counsel for James A. Kay, Jr.

No. of Copies rec'd 0432  
List A B C D E

APPLICATION FOR FURTHER CONTINUATION OF OPERATING AUTHORITY

Applicant/Licensee: James A. Kay, Jr.

Call Signs: WNIZ676, WNJA910, WNJL306, WNKV762, WNMT755, WNNY402, WNNY773, WNPJ874, WNSK552, WNVL794, WNVW779, WNNB268, WNNB332, WNNK982, WNNW703, WNNW651, WNNB280, WNNG372, WNNQ353, WNNQ911, WNNX450, WNNX753, WNNW280, WNNW327, WNNW549, WNNQ437, WNNR747, WNNY505, WNNZ731, WPAP683, WPAZ639, WPBW517, and WPBZ518

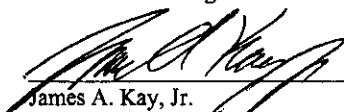
James A. Kay, Jr., hereby respectfully requests that its operating authority under the above-referenced licenses be further extended an additional ninety (90) days, i.e., to and including March 28, 2006. This request is filed pursuant to Sections 301 and 308(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 301 & 308(a), Section 9(b) of the Administrative Procedure Act, 5 U.S.C. § 558(c).<sup>1</sup>

For the reasons stated in the *Motion for Further Extension of Operating Authority* (copy appended hereto), being separately filed in WT Docket Nos. 94-147 & 97-56, the public interest, convenience, and necessity will be served by prompt and favorable action on this request.

Please direct any questions or correspondence concerning this matter to the Applicant's regulatory counsel, as follows:

Robert J. Keller, Esq.	Telephone: 202-223-2100
Law Offices of Robert J. Keller, P.C.	Facsimile: 202-223-2121
P.O. Box 33428	Email: rjk@telcomlaw.com
Washington, D.C. 20033-0428	

Anti-Drug Abuse Act Certification. Applicant is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

  
James A. Kay, Jr.  
Dated: 17 January 2006

<sup>1</sup> To the extent that this filing requests continuation of Title III authority, it is technically an "application" within the meaning of Section 308(a) of the Communications Act, 47 U.S.C. § 308(a). Applicant attempted but was unable to determine a method of submitting one or more applications for this purpose electronically, and it is therefore being submitted in this form. In view of the unusual circumstances and the need for expediency, Applicant respectfully requests waiver of any rules, regulations, or requirements as to the form of this filing. Applicant will promptly pay any application processing fees the Commission determines are applicable.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matters of	)	
	)	
JAMES A. KAY, JR.	)	WT Docket No. 94-147
	)	
Licensee of One Hundred Fifty Two Part 90	)	
Licenses in the Los Angeles, California Area	)	
	)	
MARC SOBEL AND MARC SOBEL	)	WT Docket No. 97-56
D/B/A AIR WAVE COMMUNICATIONS	)	
	)	
Licensee of Certain Part 90 Licenses	)	
in the Los Angeles, California Area	)	

**MOTION FOR FURTHER EXTENSION OF OPERATING AUTHORITY**

James A. Kay, Jr. ("Kay")<sup>1</sup> and Marc D. Sobel ("Sobel") (jointly, "Petitioners"), pursuant to Sections 301 and 308(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 301 & 308(a), Section 9(b) of the Administrative Procedure Act, 5 U.S.C. § 558(c), and Section 1.41 of the Commission's Rules and Regulations, 47 C.F.R. § 1.41,<sup>2</sup> hereby respectfully move the Commission to further extend operating authority pursuant to the licenses listed in Attachment A hereto, in support whereof the following is respectfully shown:

1. On October 17, 2005, Petitioners filed a *Motion for Extension of Operating Authority* for ninety (90) days following finality of the Supreme Court's denial of certiorari, i.e., to January 28, 2006. It was anticipated that this would provide adequate time for the Commission to complete its consideration of Petitioners' August 3, 2005, *Motion to Modify Sanction.*, and we are still desirous of concluding this matter as expeditiously as possible. Nevertheless, insofar as the specified January 28 date is now less than two weeks away, Petitioners are submitting this

---

<sup>1</sup> As to Call Sign WNXW487 this filing is also presented on behalf of Buddy Corp., an entity wholly owned and controlled by Kay. See Attachment A at n.2.

<sup>2</sup> A separate application by each of the licensees is being filed concurrently herewith.

request for further extension of operating authority, out of an abundance of caution, to ensure adequate time for a final resolution of the *Motion to Modify Sanction*.

2. Accordingly, for the same reasons stated in the October 17, 2005, *Motion for Extension of Operating Authority*, all of which are still fully applicable, Petitioners' respectfully move the Commission to further extend and continue their operating authority for an additional ninety (90) days, to and including Friday, April 28, 2006, pending and subject to Commission consideration of and action on the August 3, 2005, *Motion to Modify Sanction*.

Respectfully submitted:

By:



Robert J. Keller  
Counsel for James A. Kay, Jr., and  
Marc Sobel d/b/a Air Wave Communications  
Law Offices of Robert J. Keller, P.C.  
PO Box 33428 – Farragut Station  
Washington, D.C. 20033-0428  
202-223-2100

Aaron P. Shainis  
Counsel for James A. Kay, Jr.  
Shainis and Peltzman, Chartered  
1850 M Street, N.W. – Suite 240  
Washington, D.C. 20036-5803  
202-293-0011

Dated: January 17, 2006

**ATTACHMENT A**  
**Page 1 of 2**

**JAMES A. KAY, JR.**

<u>Calls Sign</u>	<u>Svc</u>	<u>Exp. Date</u> <sup>3</sup>
WNIZ676	GX	01/21/1998
WNJA910	YX	06/22/1998
WNJL306	YX	12/22/1997
WNKV762	YX	03/21/1999
WNMT755	GX	05/11/1998
WNMY402	YX	10/31/2000
WNMY773	GX	01/06/1999
WNPJ874	YX	06/07/1998
WNSK552	YX	08/10/1998
WNVL794	GX	02/18/1998
WNVW779	GX	05/11/1998
WNWB268	GX	05/17/1998
WNWB332	GX	05/11/1998
WNWK982	GX	05/11/1998
WNWN703	GX	03/30/1998
WNWQ651	GX	05/11/1998
WNXB280	GX	04/16/1998
WNXG372	GX	05/17/1998
WNXQ353	GX	05/11/1998
WNXQ911	GX	01/27/1998
WNXS450	GX	05/11/1998
WNXS753	GX	01/29/1997
WNXW280	GX	05/11/1998
WNXW327	YX	06/01/1998
WNXW487 <sup>4</sup>	GB	11/23/1997
WNXW549	GX	05/11/1998
WNYQ437	GX	05/11/1998
WNYR747	GX	05/11/1998
WNZY505	GX	05/11/1998
WNZZ731	GX	09/24/1997
WPAP683	GX	10/05/1997
WPAZ639	GX	06/02/1998
WPBW517	GX	04/08/1998
WPBZ518	GX	08/10/1998

---

<sup>3</sup> Timely-filed renewal applications are pending.

<sup>4</sup> The ordering clause in the Decision identifies this as license of James A. Kay, Jr., but it is actually held by Buddy Corp., and entity wholly owned by James A. Kay, Jr.

**ATTACHMENT A**  
**Page 2 of 2**

**MS AIRWAVES, INC.<sup>5</sup>**

<u>Calls Sign</u>	<u>Svc</u>	<u>Exp. Date<sup>6</sup></u>
KNBT299	GX	04/22/1999
KRU576	GX	04/22/1999
WNPY680	GX	02/24/1999
WNWB334	GX	04/20/1998
WNXL471	GX	07/05/1999
WNYR424	GX	04/22/1998
WPAD685	GX	04/22/1998
WPCA891	GX	04/26/1998
WPCG780	GX	03/01/1999
WPCZ354	GX	06/30/1999
WPDB603	GX	02/04/1999
WPFF529	GX	07/05/1999
WPFH460	GX	07/13/1999
WNZC764 <sup>7</sup>		

---

<sup>5</sup> At the time of the decision these authorizations were held by Marc D. Sobel, and individual. Pursuant to pro forma assignment of licenses they are now held by MS Airwaves, Inc., a corporation controlled by Sobel.

<sup>6</sup> Timely-filed renewal applications are pending.

<sup>7</sup> This call sign is listed in the ordering clause of the revocation order. Sobel believes that it is no longer an active authorization, but has not yet been able to confirm this, and so he has included it here out of an abundance of caution.

Certificate of Service

I, Robert J. Keller, counsel for James A. Kay, Jr., and Marc Sobel d/b/a Air Wave Communications, hereby certify that on this 17th day of January, 2006, I caused copies of the foregoing *Motion for Leave to Submit Reply* to be served, by electronic mail on the following:

Kris Monteith, Acting Bureau Chief  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

William Davenport, Chief  
William D. Freedman, Deputy Chief  
Gary P. Schonman, Esquire  
Investigations & Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Sam Feder, Acting General Counsel  
Daniel M. Armstrong, Associate General Counsel  
Federal Communications Commission  
445 12th Street, S.W. – Room 8-B724  
Washington, D.C. 20554

John J. Schauble, Esquire  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554



---

Robert J. Keller